

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KEVIN THELEN,

Plaintiff,

vs.

THE PENNSYLVANIA STATE SYSTEM
OF HIGHER EDUCATION, INDIANA
UNIVERSITY OF PENNSYLVANIA,
MICHAEL DRISCOLL, SUSANNA SINK
and DEBRA FITZSIMONS,

Defendants.

Civil Action No. 20-cv-1717

ORDER

As discussed in the Court's Memorandum Opinion filed on this date, Defendants' Motion to Dismiss is granted in part and denied in part (ECF No. 12).

Defendants' motion to dismiss is granted as to the following claims: Count II is dismissed without prejudice with respect to the perceived disability claim; Counts III and V are dismissed with prejudice except to the extent that Thelen seeks prospective injunctive relief from Defendants in their official capacities; and Counts IV, VI through XI are dismissed with prejudice.

Defendants' motion to dismiss Count I is denied.

Plaintiff may file a Second Amended Complaint as to Count II no later than August 17, 2021. In the event that Plaintiff does not amend his complaint, Defendants shall file their Answer no later than August 31, 2021.

SO ORDERED this 3rd day of August 2021.

s/Patricia L. Dodge
PATRICIA L. DODGE
UNITED STATES MAGISTRATE JUDGE